



**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: the Application of

Nadia GARDEL et al.

Group Art Unit: 1609

Application No.: 10/849,825

Examiner: S. HOFFER

Filed: May 21, 2004

Docket No.: 119740

For: SKIN MAKEUP COMPOSITION HAVING OPTIMIZED APPLICATION  
QUALITIES

**DECLARATION UNDER 37 C.F.R. §1.132**

I, Pascal ARNAUD, a citizen of France, hereby declare and state:

1. I have a degree in chemistry which was conferred upon me by Ecole Nationale Supérieure de Chimie de Paris (ENSCP) in Paris in 1988.
2. I have been employed by L'Oreal since 1989 and I have had a total of 6.5 years of work and research experience in skin makeup compositions.
3. I am a member of Société Française de Chimie (SFC) et Société Française de Cosmétologie (SFC).
4. Those under my direct supervision and control have conducted the following tests:

A comparative trial of cosmetic compositions was conducted under my supervision and control. An example of a cosmetic composition of the presently claimed invention, including PMMA, was compared with a cosmetic composition that was otherwise identical except that nylon powder was substituted for the PMMA. The compositions were prepared in the substantially the same manner as Example 1 as shown in the present specification at paragraphs [0117] to [0139].

The cosmetic compositions had the components shown in Table 1 below.

Table 1

<u>Foundation Composition</u>	<u>Comparative Example</u>	<u>Example of the Invention</u>
NAD in isodecane	20.6	20.6
Dimethicone copolyol (ABIL EM97)	1.8	1.8
Succinate isostearyle of diglyceryle	0.6	0.6
Preservatives	0.40	0.40
Cyclopentasiloxane (D5)	9	9
Yellow iron oxide coated PDMS	1.45	1.45
Red iron oxide	0.67	0.67
Black iron oxide	0.25	0.25
Titanium dioxide	7.63	7.63
Nylon Powder	8	-
PMMA	-	8
Perfume	0.6	0.6
Water	48.3	48.3
Magnesium sulfate	0.7	0.7
	100% mass	100% mass

Six panelists compared these two foundations by applying at the rate of 0.10 grams per half face. The results obtained are described in Table 2 below.

Table 2

<u>Panelists</u>	<u>Comparative Example</u>	<u>Example of the Invention</u>
No. 1	Application: slightly drier Finish: more sticky, more "rough"	Application: slightly more slippery Finish: softer, more pleasant
No. 2	Application: slowing faster Finish: more sticky	Finish: softer
No. 3	Application: more slippery	Application: drier
No. 4	Application: slows and dry faster Finish: mark over the imperfections and "rough"	Finish: softer, more "smoothly"
No. 5	Application: slightly less slippery	Application: slightly more slippery
No. 6	Application: slowing faster Finish: more sticky, more powdery	Finish: softer

Five of the six panelists felt that the foundation prepared in accordance with the presently claimed invention provided improved application properties in comparison with the comparative foundation.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and/or imprisonment under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Date: 01/24/2008

Pascal ARNAUD

